

REMARKS

Claims 1-4, 6, 7 and 9-35 are currently pending in the subject application and are presently under consideration. Claims 1, 6, 7, 9, 14-16, 24, 33 and 34 have been amended as shown on pp. 2-6 of the Reply. Claims 5 and 8 have been canceled as shown on pp. 2 and 3 of the Reply.

Examiner Won is thanked for the courtesies extended to Applicant's representative Larry M. Kasoff in a telephonic interview on January 17, 2008. During the interview, Applicant's representative argued that various aspects of the claims were not taught by Matsumoto or Marker. The comments below present those arguments in greater detail. No agreement was reached.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-4, 9-29 and 32-35 Under 35 U.S.C. §102(e)

Claims 1-4, 9-29 and 32-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Matsumoto *et al.* (US 6,678,720). For at least the following reasons, Applicant respectfully requests withdrawal of this rejection.

The subject application relates to determining one or more communication channels to share content based on communication channel availability and the content to be shared. In particular, the content to be shared can be analyzed to determine the content size or type. This information can be used as a factor to determine the communication channel to use, along with information about the current availability of communication channels between the computers the content is to be shared between.

Matsumoto discloses a messaging system and device for enabling users to send messages to people that cannot directly connect to a chat system, such as an IRC chat system. For example, a voice message can be recorded by a person not directly connected to the chat system. An indication can then be sent over the chat system to one or more persons directly connected to the chat system that a voice message has been received and can be retrieved from an indicated URL. As a second example, text-to-speech can be used to read an IRC chat message to a person over the telephone or the chat message can be converted into an image that is faxed to the person off the chat system.

Turning to the claims, claim 1 now recites, “*one or more communication channels comprising a module installed on a sender and a recipient’s communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent.*” With respect to now canceled claim 5, the Office admits Matsumoto does not teach or suggest *dividing a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver.* Office Action, page 10. Accordingly, Matsumoto alone does not teach or suggest all of the aspects of amended claim 1. Thus, claim 1 (and dependent claims 2-4, 6, 7, 9, and 35) is allowable over Matsumoto for at least this reason.

Additional discussion about the allowability of independent claim 1 is discussed below in connection with the obviousness rejection over Matsumoto in view of Marker.

In addition, dependent claim 9 is allowable for an additional reason. Claim 9, as amended, recites, “the one or more characteristics of the content *comprising size of content.*” Matsumoto does not teach *an analysis component that identifies and determines whether any communication channels are available to share the content between the at least two computers based at least in part on content size.* In particular, the Office does not cite and Applicants cannot find where Matsumoto teaches or suggests determine a communication channel based at least in part on the size of content. Specifically, the reasons for the rejection of original claim 9 at best only suggests determining the communication channel based on the security of the content.

Claim 10 recites, “*a content analysis component that analyzes at least a portion of content for which sharing is desired; a channel analysis component that examines compatibility of available communication channels with respect to the content for which sharing is desired; and a channel controller component that selects at least one communication channel that is determined to be available to transport the content based at least in part upon analysis of the content.*” Matsumoto does not teach or suggest these aspects.

The Office has cited col. 4, lines 49-53 as teaching one of these aspects. However, as the Office indicates, the passage discusses a conversion means that converts the text data of the message history into a format suitable for a first information terminal. The exemplary information terminals are telephones and faxes, which only have a single communication with

which to communicate. Thus, the content is necessarily converted to be able to be used on the single communication channel available.

However, if the content type is converted to be transported over the single available communication channel of an information terminal, the originally analyzed content is not the same content that will be transported over the communication channel. Moreover, a communication channel is not selected that is available to transport the content based at least in part upon the analysis of the original content as recited in claim 10. Matsumoto, in contrast, teaches that the content type to convert to and transport is determined based on the one available communication channel of the information terminal.

Thus, claim 10 (and dependent claims 11-23) is allowable over Matsumoto for at least this reason.

In addition, various dependent claims are also allowable for additional reasons. For example, dependent claim 14, as amended, recites, “the content analysis component *examines file size to facilitate determining which communication channel to employ to share the content.*” Matsumoto does not teach or suggest examining *file size* to facilitate determining which communication channel to employ to share the content.

As a second example, dependent claim 15 recites, “the channel analysis component examines the one or more communication channels to determine whether they are available *and whether they satisfy a content size threshold.*” Matsumoto does not teach or suggest examining a communication channel to determine *whether it satisfies a content size threshold*. Thus, claims 14 and 15 (and claim 16 which depends on claim 15) are allowable for at least this additional reason.

Claim 24, as amended, recites, “determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer *based at least in part on availability and content size.*” As stated *supra*, Matsumoto does not teach or suggest determining at least one communication channel to employ based on the size of the content. Accordingly, claim 24 (and dependent claims 25-32) is allowable for at least this reason.

Claim 33, as amended, similarly recites. “means for determining at least one communication channel to employ to facilitate sharing with or transporting the content from the

virtual share space to another computer *based at least in part on availability and content size.*” Accordingly, claim 33 is allowable over Matsumoto.

Claim 34, as amended, similarly recites, “A data packet adapted to be transmitted between two or more computer processes facilitating easier sharing of content, the data packet comprising: *information associated with automatically determining at least one communication channel to employ to share or transport content between two or more computers, the determination being based at least in part upon content size and channel availability.*” As stated *supra*, Matsumoto does not appear to teach or suggest this aspect. Thus, claim 34 is allowable.

II. Rejection of Claims 5-8, 30 and 31 Under 35 U.S.C. §103(a)

Claims 5-8, 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto *et al.* (US 6,678,720) in view of Marker Jr. (US 4,802,220). For at least the following reasons, withdrawal of this rejection is respectfully requested.

Marker discloses a secure communication system. In particular, Marker splits a binary message between multiple data channels in accordance with a message splitting routine such that the interception of a single data channel does not comprise the privacy of the communication. For example, the splitting routine can transmit odd bits on a first channel and even bits on a second channel. *See, e.g.*, col. 2, lines 59-63. Accordingly, Marker is a relatively low-level (on the OSI model) method of securing messages and is unaware of higher-level (*e.g.*, application level) content.

As discussed *supra*, claims 5 and 8 were canceled when at least some of the aspects recited in those claims were incorporated in independent claim 1.

Amended claim 1 recites, “one or more communication channels comprising a module installed on a sender and a recipient’s communication system that *divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent.*” The Office has admitted that Matsumoto does not teach or suggest this aspect and uses Marker to correct the deficiency. Marker does not teach or suggest this aspect either and consequently neither does the combination of Matsumoto and Marker.

In particular, as stated *supra*, Marker is a low-level method that does not *split a large file*

into two or smaller chunks. In contrast, Marker splits a binary message up to be transmitted on two different communication channels; Marker does not appear to suggest that the message corresponds to a large file.

In addition, the Office cites col. 9, lines 61-65 as teaching or suggesting that the receiver acknowledges receipt of each chunk before a subsequent chunk is sent. However, the passage only discloses that an acknowledge packet is sent by the destination protocol handler, not that the transmission of the next portion over the other communication channel is delayed until the acknowledgement packet is received. In fact, col. 9, lines 59-61 suggest that the packet interconnect sequence resumes after a complete packet has been transmitted by a protocol handler, not after an acknowledgement packet is received indicating that the complete packet was received at the destination.

Accordingly, independent claim 1 (and dependent claims 2-4, 6, 7, 9, and 35) is allowable over Matsumoto alone or in combination with Marker.

In addition, at least claim 6 is allowable for additional reasons. It recites, “the two or more chunks are identified with special keys in subject line or email headers.” The Office cites Marker at col. 20, line 59 – col. 21, line 16. However, this passage refers to packet headers, not email headers. As stated *supra*, Marker is a low-level communication security system that works on securing binary messages and is not aware of higher-level content, such as email subject lines and email headers.

Claim 30 recites, “***dividing a large file into two or more smaller chunks; sending each chunk separately to the receiver; and acknowledging to the sender receipt of each chunk before a subsequent chunk is sent by the sender;*** and assembling the two or more chunks to create a copy of the content.” As stated *supra*, neither Matsumoto nor Marker teach or suggest these aspects. Thus, claim 30 and dependent claim 31 are allowable for at least this reason.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP627US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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